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Electronically filed on
July 22, 2014

9 Attorneys for Creditor Legacy Land Bank, FFLCA

10 **UNITED STATES BANKRUPTCY COURT**
11 **DISTRICT OF NEVADA**

12 In re

13 MICHAEL B. NICHOLSON and
14 RASHELL D. NICHOLSON,

15 Debtors.

16 Case No. BK-N-10-33895-LED

17 Chapter 13

18 **LIMITED OPPOSITION TO MOTION TO**
19 **DISMISS, WITH CERTIFICATE OF**
20 **SERVICE**

21 **Hearing Date: 7/24/14**

22 **Hearing Time: 2:00 p.m.**

23 Creditor Legacy Land Bank, FFLCA, opposed a premature dismissal of this case. The
24 Court entered its confirmation order on May 9, 2014 (Ct. Dkt. #205), and the Chapter 13 Trustee
moved to dismiss the case on May 30, 2014, based on the debtors' failure to turn over a tax
refund (Ct. Dkt. #207). Legacy has been contact with counsel for both parties, who advise that
(1) their discussions have been delayed by the recent conference National Association of Chapter
13 Trustees, and (2) the motion may be continued provide them with additional time to reach a
resolution. But neither trustee nor debtors have filed any papers addressing the motion or
seeking a continuation. Legacy had hoped the parties would come to a solution, and it
apologizes for the timing of response, but it requests a continuation on the record. Legacy takes
no position on the merits of the trustee's motion, but it seeks to preserve its ability to be paid on
its claim through this case. Additionally, if the case is dismissed, Legacy requests that the
trustee distribute "any such payment in accordance with the plan as soon as is practicable" under
Section 1326(a)(2) prior to the dismissal of the case and revestment of funds with the debtor.

25 Dated this 22nd day of July, 2014 By: /s/Louis M. Bubala III

CERTIFICATE OF SERVICE

1. On July 22, 2014, I served the following document(s):

LIMITED OPPOSITION TO MOTION TO DISMISS, WITH CERTIFICATE OF SERVICE

2. I served the above-named document(s) by the following means to the persons as listed below:

- a. **ECF System** (attach the "Notice of Electronic Filing" or list all persons and addresses):

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5 RONALD H REYNOLDS on behalf of Creditor PORTFOLIO RECOVERY ASSOCIATES,
LLC, SUCCESSOR IN INTEREST TO CITIBANK (SOUTH DAKOTA), N.A. (M-SHELL
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11 WOLFE THOMPSON on behalf of Creditor DISCOVER BANK / DB SERVICING
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12 wolfe@wolfelawyer.com, assistant@wolfelawyer.com; advnotices@w-legal.com; SamC@w-legal.com

13 MICHAEL F THOMSON on behalf of Creditor The Village Bank
thomson.michael@dorsey.com

15 I declare under penalty of perjury that the foregoing is true and correct.

16 DATED this 22nd day of July, 2014.

17 C. Byrne
Name

18 /s/ C. Byrne
Signed